

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

LARRY D. MITCHELL,)	
)	
Petitioner,)	
)	
vs.)	1:11-cv-1445-JMS-MJD
)	
KEITH BUTTS, Superintendent,)	CA #12-2194
)	
Respondent.)	

Entry Concerning Selected Matters

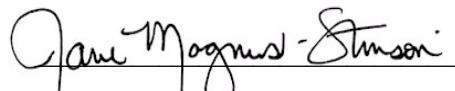
The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The petitioner seeks leave to proceed on appeal without prepayment of the appellate fees of \$455.00. An appeal may not be taken *in forma pauperis* if the trial court certifies that the appeal is not taken in good faith. 28 U.S.C. § 1915; *see Coppedge v. United States*, 369 U.S. 438 (1962). "Good faith" within the meaning of § 1915 must be judged by an objective, not a subjective, standard. *See id.* There is no objectively reasonable argument the petitioner could present to argue that the disposition of this action was erroneous. In pursuing an appeal, therefore, the petitioner "is acting in bad faith . . . [because] to sue in bad faith means merely to sue on the basis of a frivolous claim, which is to say a claim that no reasonable person could suppose to have any merit." *Lee v. Clinton*, 209 F.3d 1025, 1026 (7th Cir. 2000). Accordingly, his appeal is not taken in good faith, and for this reason his request for leave to proceed on appeal *in forma pauperis* [16] is **denied**.

2. The petitioner's renewed request for the issuance of a certificate of appealability [17] is **denied** for the same reasons as explained in the Entry of April 9, 2012.

IT IS SO ORDERED.

Date: 05/18/2012



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

henry.flores@atg.in.gov

**Larry D. Mitchell
No. 925971
Pendleton Correctional Facility
4490 West Reformatory Road
Pendleton, IN 46064**